

FILED

FEB 10 2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

Plaintiff,

v.

GATEWAY TO LEARNING, INC.,

Defendant.

05C 0841
JUDGE COAR

COMPLAINT
JURY TRIAL DEMAND

MAGISTRATE JUDGE SCHENKIER

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000c, *et seq.* ("Title VII"), and Title I of the Civil Rights Act of 1991, 42 U.S.C. §1981a, to correct unlawful retaliation and to provide appropriate relief to Annie Kershaw, a former employee of Gateway to Learning, Inc. ("Defendant"), and to other persons who were victims of retaliation. Plaintiff, the U.S. Equal Employment Opportunity Commission (the "Commission"), contends that Defendant discriminated against Kershaw and other persons by retaliating against them for engaging in activity protected by Title VII.

JURISDICTION AND VENUE

1. Jurisdiction of this court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) and Section 707(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f)(1) and (3) and §2000c-6(c) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42

U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Illinois, Eastern Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission, is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) and Section 707(e) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3) and §2000e-6(e).

4. At all relevant times, Defendant has continuously been and is now doing business in the State of Illinois and the City of Chicago and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Annie Kershaw filed a Charge of Discrimination with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. On about July 26, 2003 Defendant terminated Kershaw in retaliation for her having filed a Charge of Discrimination with the Commission. That retaliation violated Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a).

8. Since September 2002 Defendant has engaged in unlawful employment practices in Chicago Illinois in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000c-3(a) by engaging in intentional discrimination against a class of persons by retaliating against them for opposing practices made unlawful by Title VII and/or participating in processes or proceedings provided for by Title VII.

9. The effect of the practices complained of in paragraph seven and eight above has been to deprive Kershaw and other persons of equal employment opportunities and otherwise adversely affect their status as employees.

10. The unlawful employment practices complained of in paragraphs seven and eight above were intentional.

11. The unlawful employment practices complained of in paragraphs seven and eight above were done with malice or with reckless indifference to the federally protected rights of other persons.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from retaliating against any person for participating in any activity protected under Title VII of the Civil Rights Act of 1964.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant to make whole Kershaw and other victims of retaliation by

providing appropriate back pay with pre-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

D. Order Defendant to make whole Kershaw and other victims of retaliation by providing compensation for past and future pecuniary losses resulting from her unlawful termination, including, but not limited to, job search expenses;

E. Order Defendant to make whole Kershaw and other victims of retaliation by providing compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation;

F. Order Defendant to pay Kershaw and other victims of retaliation punitive damages for its malicious and/or reckless conduct, in amounts to be determined at trial;

G. Order Defendant and its successors to provide training to its officers, managers and employees regarding sexual harassment and retaliation in the workplace;

H. Grant such further relief as the Court deems necessary and proper in the public interest; and

I. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

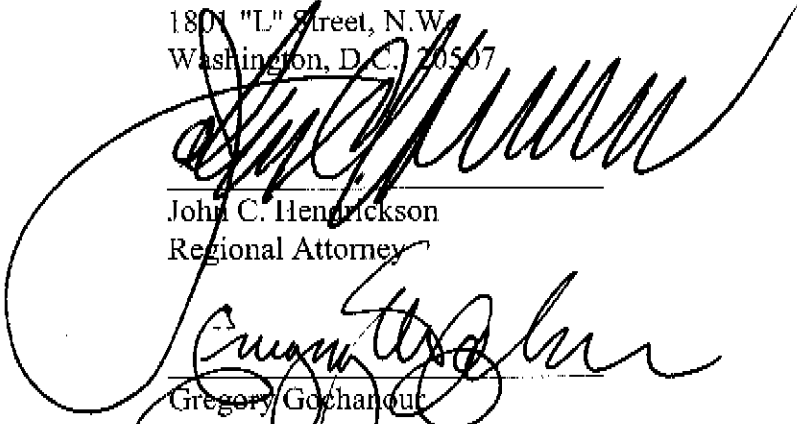
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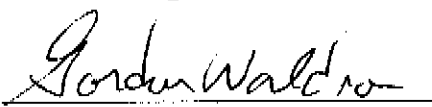
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